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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) 3:12-cr-00015-HDM-WGC 3:14-cv-00231-HDM Plaintiff,)

vs.) ORDER

CAMERON MUHLENBERG,)

Defendant.)

Before the court is the defendant's motion pursuant to Federal Rule of Civil Procedure 60(b) (#118). Defendant appealed his judgment of conviction on November 25, 2014. The matter remains pending before the Court of Appeals. The court lacks jurisdiction to consider a Rule 60(b) motion filed after a notice of appeal is filed and therefore cannot consider the instant Rule 60(b) motion. Katzir Floor & Home Designs, Inc. v. M-MLS.com, 394 F.3d 1143, 1148 (9th Cir. 2004); Gould v. Mutual Life Ins. Co., 790 F.2d 769, 772 (9th Cir. 1986). While defendant's motion involves his petition to correct, vacate or modify his sentence pursuant to 28 U.S.C. § 2255, the court similarly lacks jurisdiction to consider a § 2255 motion after a notice of appeal has been filed. See United States v. Kobey, 109 F. Supp. 687 (S.D. Cal. 1953). Accordingly, the defendant's Rule 60(b) motion is hereby DISMISSED for lack of

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IT IS SO ORDERED. DATED: This 15th day of December, 2015. Lower States District Judge UNITED STATES DISTRICT JUDGE UNITED STATES DISTRICT JUDGE To state the state		
DATED: This 15th day of December, 2015. ### DATED: This 15th day of December, 2015. #### DATED: This 15th day of December, 2015. ###################################	1	jurisdiction.
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